

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.
FILED

2014 JUL 29 PM 4:30

DEPUTY CLERK. 

UNITED STATES OF AMERICA

v.

JERRY DAVID ALLEN, JR.

§
§
§
§
§
§
§

CASE NO: 1:13-CR-055-P

REPORT AND RECOMMENDATION ON MENTAL COMPETENCY

The question of mental competency of Defendant Jerry David Allen, Jr., to stand trial in the above entitled and numbered cause was presented to and considered by the Court in an evidentiary hearing on July 29, 2014, after due notice to both parties, with said defendant and respective counsel for each of the parties present and participating.¹

A mental examination has been made of said defendant under order of the Court, by a psychologist possessing the qualifications provided in the Offenders With Mental Disease or Defect Chapter of Title 18, United States Code, and the report of such examination has been received and filed and stipulated into evidence by the parties.

Further, a stipulation by and between the United States of America, the defendant, and his attorney has been received, filed in this cause, and considered by the Court.

Based upon the evidence offered in the hearing, the Court makes the following findings and recommendation:

- i. Defendant Jerry David Allen, Jr., is mentally competent to stand trial;

¹ The issue of whether the defendant is competent to stand trial was referred to the magistrate judge for Report and Recommendation by order dated July 24, 2014.

- ii. Defendant Jerry David Allen, Jr., has a factual and rational understanding of the charges and proceedings against him, and is able to understand the nature and consequences of the proceedings against him;
- iii. Defendant Jerry David Allen, Jr., has sufficient present mental capacity to properly assist his attorney in the preparation of a rational defense and communicate with his attorney in a rational and logical manner;
- iv. Defendant Jerry David Allen, Jr., is not now suffering from a mental disease or defect which would interfere with his ability to meet the legal criteria of competency to stand trial, and is legally competent to stand trial; and
- v. Defendant Jerry David Allen, Jr., is presently mentally competent, that he is able to understand and does understand the nature and consequences of the proceedings against him, and that he is able to assist properly in his defense.

IT IS THEREFORE RECOMMENDED that the findings and conclusions of the magistrate judge be accepted, and that the defendant, Jerry David Allen, Jr., be adjudged mentally competent to stand trial.

SIGNED this the 29th day of July, 2014.



E. SCOTT FROST
United States Magistrate Judge

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO OBJECT

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).